

TITLE 13.—CENSUS

This title was enacted into positive law by act Aug. 31, 1954, ch. 1158, 68 Stat. 1012.

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POSITIVE LAW; CITATION

This title has been made positive law by section 1 of act Aug. 31, 1954, ch. 1158, 68 Stat. 1012, which provided in part "That title 13 of the United States Code, entitled 'Census' is revised, codified and enacted into law and may be cited as 'Title 13, United States Code, section —'."

AMENDMENTS

Section 2 of act Aug. 31, 1954, ch. 1158, 68 Stat. 1024, amended the Public Health Service Act by adding a new section 312a which is classified to section 244a of Title 42, The Public Health and Welfare.

REFERENCES TO CENSUS OFFICE

Section 3 of act Aug. 31, 1954, ch. 1158, 68 Stat. 1024, provided that: "Whenever reference is made in any other law or in any regulation or order to the Census Office, such reference shall be held and considered to mean the Bureau of the Census referred to in section 2 of Title 13, United States Code, as set out in section 1 of this Act. This section shall not be construed as affecting historical references to the Census Office which could have no present or future application to the Bureau of the Census."

SEPARABILITY

Section 4 of act Aug. 31, 1954, ch. 1158, 68 Stat. 1024, provided that: "If any part of Title 13, United States Code, as set in section 1 of this Act, is held invalid, the remainder of such title shall not be affected thereby."

LEGISLATIVE CONSTRUCTION

Section 5 of act Aug. 31, 1954, ch. 1158, 68 Stat. 1024, provided that: "No inference of a legislative construction is to be drawn by reason of the chapter in Title 13, United States Code, as set out in section 1 of this Act, in which any section is placed, nor by reason of the captions or catchlines used in such title."

EFFECTIVE DATE

Section 6 of act Aug. 31, 1954, ch. 1158, 68 Stat. 1024, provided that: "The provisions of this Act shall take effect on January 1, 1955."

REPEALS

Section 7 of act Aug. 31, 1954, ch. 1158, 68 Stat. 1024, provided that: "The sections of the Acts, and the Acts or parts of Acts, enumerated in the following schedule, are hereby repealed. Any rights or liabilities now existing under such statutes or parts thereof, and any proceedings instituted under, or growing out of, any of such statutes or parts thereof, shall not be affected by this repeal."

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AMENDMENTS

1957—Pub. L. 85-207, § 1, Aug. 28, 1957, 71 Stat. 481, amended analysis by inserting at the end of item 6 the words “, acquisition of reports from governmental and other sources.” and by adding items 12, 13 and 26.

SUBCHAPTER I—GENERAL PROVISIONS

§ 1. Definitions.

As used in this title, unless the context requires another meaning, or unless it is otherwise provided—

“Bureau” means the Bureau of the Census;

“Secretary” means the Secretary of Commerce. (Aug. 31, 1954, ch. 1158, 68 Stat. 1012.)

HISTORICAL AND REVISION NOTES

Reviser's Note.—Section is new, and was inserted to eliminate the necessity for referring, throughout this title, to the Bureau of the Census, and the Secretary of Commerce, by their full designations.

CROSS REFERENCES

Accounts relating to the Census, examination and settlement, see section 72 of Title 31, Money and Finance.

Mining, transmission by Secretary of Interior of information relating to accidents and occupational diseases to Bureau of the Census for use in preparation of various Census reports, see section 451 (d) of Title 30, Mineral Lands and Mining.

§ 2. Bureau of the Census.

The Bureau is continued as an agency within, and under the jurisdiction of, the Department of Commerce. (Aug. 31, 1954, ch. 1158, 68 Stat. 1012.)

HISTORICAL AND REVISION NOTES

Reviser's Note.—Based on title 13, U. S. C., 1952 ed., § 1 (Mar. 6, 1902, ch. 139, § 1, 32 Stat. 51; Feb. 14, 1903, ch. 552, § 4, 32 Stat. 826; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; June 18, 1929, ch. 28, § 21, 46 Stat. 26).

Section 1 of title 13, U. S. C., 1952 ed., provided that the “Census Office” temporarily established in the Department of the Interior in accordance with the Act of Mar. 3, 1899 (ch. 419, 30 Stat. 1014) “is made” a permanent office in the Department of Commerce. Such wording is no longer necessary, and the provisions, as revised in this section, merely continue the Bureau (of the Census) as an agency within, and under the jurisdiction of, the Department of Commerce.

CROSS REFERENCES

Bureau of the Census as a bureau in the Department of Commerce, see section 597 of Title 5, Executive Departments and Government Officers and Employees.

§ 3. Seal.

The Bureau shall have a seal containing such device as has been selected heretofore, or as the Secretary may select hereafter. A description of such seal with an impression thereof shall be filed in the office of the Secretary of State. The seal shall remain in the custody of the Secretary or such officer or employee of the Bureau as he designates, and shall be affixed to all certificates and attestations

that may be required from the Bureau. Judicial notice shall be taken of the seal. (Aug. 31, 1954, ch. 1158, 68 Stat. 1012; Aug. 28, 1957, Pub. L. 85-207, § 2, 71 Stat. 481.)

HISTORICAL AND REVISION NOTES

Reviser's Note.—Based on acts Mar. 3, 1899, ch. 419, § 31, 30 Stat. 1021; Mar. 6, 1902, ch. 139, § 6, 32 Stat. 52.

Section is new to the United States Code, but is in accordance with current practice. Act Mar. 3, 1899, ch. 419, 30 Stat. 1014, which established the “Census Office” on a temporary basis, provided in section 31 thereof (30 Stat. 1021) for a seal for that office. The office was made permanent by act Mar. 6, 1902, ch. 139, 32 Stat. 51, and section 6 of that act (32 Stat. 52) continued in full force and effect “for the taking of the Thirteenth and subsequent censuses” all provisions of the act of Mar. 3, 1899, not inconsistent with the provisions of such 1902 act. Therefore, since the 1902 act contained no provisions with respect to a seal, section 31 of the 1899 act, providing for the seal, remained in force as it was not inconsistent. Section 33 of act July 2, 1909, ch. 2, 36 Stat. 10, which act (36 Stat. 1) related to the Thirteenth and subsequent decennial censuses, repealed the said act of Mar. 3, 1899, specifically, and all “other” laws and parts of laws inconsistent with the provisions of the 1909 act. These repealing provisions are somewhat ambiguous, but it was probably the intent of Congress, as it was the intent thereof at the time of enactment of the act of Mar. 6, 1902, referred to above, to continue in effect all provisions of the act of Mar. 3, 1899, that were not inconsistent with the act of July 2, 1909. The 1909 act contained no provisions with respect to the seal, and it accordingly follows that the provisions of section 31 of the act of Mar. 3, 1899, with respect thereto, continued in force. This is also the interpretation of the Bureau of the Census, which has continued to use a seal through the years in connection with “certificates and attestations”.

In any event, this new section merely confirms past and present practice, and restores, if it does not preserve, statutory authority for possession and use of the seal which is a very necessary part of the operations of the Bureau. Further, the section should serve to forestall future differences of interpretation. In the past, some States have refused to recognize the seal of the Census Bureau on the ground that it was not authorized by law. In all probability, this position was taken, not as the result of a search of the Statutes at Large, which would have been a difficult project, but because provisions relating to the seal were not set out in the United States Code where they would have been readily accessible.

The language of this section follows substantially the language of section 31 of the act of Mar. 3, 1899, referred to above, but has been reworded because of jurisdictional and other changes since that time. The “Census Office” was transferred from the Department of the Interior to the Department of Commerce and Labor by act Feb. 14, 1903, ch. 552, § 4, 32 Stat. 826. Act Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736, changed the name of the latter to the Department of Commerce, and created, as a separate department, the Department of Labor. It transferred a number of bureaus and agencies from the Department of Commerce to the Department of Labor, but these transfers did not affect the Bureau of the Census, which has remained under the jurisdiction of the Department of Commerce. 1950 Reorganization Plan No. 5, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3174, 64 Stat. 1263, transferred all functions of all officers, employees, bureaus, and agencies of the Department of Commerce to the Secretary of Commerce, and vested power in him to delegate them or any of his other functions to any of such officers, employees, bureaus, and agencies. Therefore, in this section, “Secretary”, and “Secretary or such officer or employee of the Bureau as he designates”, were substituted, respectively, for two references to the Director of the Census, to conform with such Plan.

AMENDMENTS

1957—Pub. L. 85-207 amended section to provide for judicial recognition of the seal.

§ 4. Functions of Secretary; delegation.

The Secretary shall perform the functions and duties imposed upon him by this title or he may delegate any of them to such officers, employees, bureaus or agencies of the Department of Commerce as he designates. (Aug. 31, 1954, ch. 1158, 68 Stat. 1013.)

HISTORICAL AND REVISION NOTES

Reviser's Note.—Section is new, and was inserted to conform with 1950 Reorganization Plan No. 5, effective May 24, 1950, §§ 1, 2, 15 F. R. 3174, 64 Stat. 1263, which is set out as a note under section 591 of title 5, U. S. C., 1952 ed., Executive Departments and Government Officers and Employees. That plan transferred all functions (with a few exceptions not applicable to the Census Bureau) of all agencies, officers and employees of the Department of Commerce to the Secretary of Commerce, and vested power in him to delegate the functions so transferred, or any of his other functions, to such agencies, officers or employees within the Department as he designates.

See, also, section 253 of title 13, U. S. C., 1952 ed., which provided for delegation of functions in connection with the quinquennial censuses of governments, and authorized the Secretary to promulgate rules and regulations with respect to such censuses. That section has been omitted from this revised title, as the provision thereof for delegation of functions is covered by this section, and the provision thereof which related to rules and regulations is covered by section 22 of title 1, U. S. C., 1952 ed., General Provisions.

Because of the transfer effected by 1950 Reorganization Plan No. 5, referred to above, sections of title 13, U. S. C., 1952 ed., which prescribed functions of the Bureau of the Census, the Census Office, or the Director of the Census, have, in this revised title, been changed to refer to the Secretary.

§ 5. Schedules; number, form, and scope of inquiries.

The Secretary shall prepare schedules, and shall determine the inquiries, and the number, form, and subdivisions thereof, for the statistics, surveys, and censuses provided for in this title. (Aug. 31, 1954, ch. 1158, 68 Stat. 1013.)

HISTORICAL AND REVISION NOTES

Reviser's Note.—Based on title 13, U. S. C., 1952 ed., §§ 82, 111, 123, 204, 216, 251, and section 1442 of title 42, U. S. C., 1952 ed., The Public Health and Welfare (Mar. 6, 1902, ch. 139, § 7, 32 Stat. 52; June 7, 1906, ch. 3048, 34 Stat. 218; Aug. 7, 1916, ch. 274, § 2, 39 Stat. 437; June 18, 1929, ch. 28, § 3, 4, 16, 46 Stat. 21, 22, 25; 1939 Reorganization Plan No. II, § 4 (e), eff. July 1, 1939, 4 F. R. 2731, 53 Stat. 1431; 1940 Reorganization Plan No. III, § 3, eff. June 30, 1940, 5 F. R. 2107, 54 Stat. 1232; June 25, 1947, ch. 124, 61 Stat. 163; June 19, 1948, ch. 502, § 3, 62 Stat. 479; July 15, 1949, ch. 338, title VI, § 607, 63 Stat. 441; Sept. 7, 1950, ch. 910, §§ 1, 4, 64 Stat. 784, 785; July 16, 1952, ch. 912, 66 Stat. 736).

Section consolidates section 82 of title 13, U. S. C., 1952 ed., which related to statistics on cottonseed, oilseeds, nuts and kernels, fats, oils, and greases, with part of the second sentence of section 111 of such title, which section related to miscellaneous statistics; with the first sentence of section 123 of such title, which section related to censuses of manufacturers, mineral industries, and other businesses; with the second sentence of section 204 of such title, which section related to censuses of population, agriculture, irrigation, drainage, etc.; with the third sentence of section 216 of such title, which section related to censuses of agriculture; with that part of subsection (b) of section 1442 of title 42, U. S. C., 1952 ed., which made such sections 204 and 216 applicable to the censuses of housing; and with part of section 251 (b) of such title relating to censuses of governments.

Sections 82, 123 and 204 of title 13, U. S. C., 1952 ed., provided that the inquiries, etc., should be determined by the Director of the Census, with the approval of the Secretary of Commerce. Section 111 thereof provided

that the Director of the Census should prepare the schedules, etc., and sections 216 and 251 (b) thereof (the former amended in 1952, the latter enacted in 1950) provided that the inquiries, etc., should be determined by the Secretary of Commerce. This consolidated section vests such duties in the Secretary of Commerce, which is in conformity not only with such sections 216 and 251 (b), but also with 1950 Reorganization Plan No. 5, §§ 1, 2, effective May 24, 1950, 15 F. R. 3174, 64 Stat. 1263. See Revision Note to section 4 of this title.

Changes were made in phraseology.

For remainder of sections 111, 123, 204, 216, and 251 of title 13, U. S. C., 1952 ed., and of section 1442 of title 42, U. S. C., 1952 ed. (which has been transferred in its entirety to this revised title), see Distribution Table.

§ 6. Requests to other departments and offices for information, acquisition of reports from governmental and other sources.

(a) The Secretary, whenever he deems it advisable, may call upon any other department or office of the Government for information pertinent to the work provided for in this title.

(b) The Secretary may acquire by purchase or otherwise from States, counties, cities, or other units of government, or their instrumentalities, or from private persons and agencies such copies of records, reports, and other material as may be required for the efficient and economical conduct of the censuses and surveys provided for in this title. (Aug. 31, 1954, ch. 1158, 68 Stat. 1013; Aug. 28, 1957, Pub. L. 85-207, § 3, 71 Stat. 481.)

HISTORICAL AND REVISION NOTES

Reviser's Note.—Based on title 13, U. S. C., 1952 ed., §§ 122, 215, 252, and section 1442 of title 42, U. S. C., 1952 ed., The Public Health and Welfare (June 18, 1929, ch. 28, § 15, 46 Stat. 25; June 19, 1948, ch. 502, § 2, 62 Stat. 479; July 15, 1949, ch. 338, title VI, § 607, 63 Stat. 441; Sept. 7, 1950, ch. 910, § 1, 64 Stat. 784).

Section consolidates section 215 of title 13, U. S. C., 1952 ed., with those parts of sections 122 and 252 of such title which respectively made such section 215 applicable to the quinquennial censuses of manufacturers and the mineral industries and other businesses, and governments, and with that part of subsection (b) of section 1442 of title 42, U. S. C., 1952 ed., which made such section 215 applicable to the decennial censuses of housing (see subchapters I, II, and III of chapter 5 of this title). As originally enacted in 1929, such section 215 had related only to the decennial censuses of population, agriculture, etc., the provisions for which are continued in subchapter II of chapter 5 of this title.

The provisions, as revised in this section, relate, not only to the censuses referred to above, but also, to all other investigations provided for in this title. This was probably the Congressional intent.

Words in section 215 of title 13, U. S. C., 1952 ed., "on request of the Director of the Census", were omitted since all functions under this title are vested primarily in the Secretary (of Commerce), in view of 1950 Reorganization Plan No. 5, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3174, 64 Stat. 1263. See Revision Note to section 4 of this title.

Changes were made in phraseology.

For remainder of sections 122 and 252 of title 13, U. S. C., 1952 ed., and of section 1442 of title 42, U. S. C., 1952 ed. (which has been transferred in its entirety to this revised title), see Distribution Table.

AMENDMENTS

1957—Pub. L. 85-207 amended section catchline by adding thereto the words "acquisition of reports from governmental and other sources", designating existing provisions as subsec. (a), and adding subsec. (b).

§ 7. Printing; requisitions upon Public Printer; publication of bulletins and reports.

The Secretary may make requisition upon the Public Printer for miscellaneous printing necessary

to carry out the provisions of this title. He may further have printed by the Public Printer, in such editions as he deems necessary, preliminary and other census bulletins, and final reports of the results of the several investigations authorized by this title, and may publish and distribute such bulletins and reports. (Aug. 31, 1954, ch. 1158, 68 Stat. 1013.)

HISTORICAL AND REVISION NOTES

Reviser's Note.—Based on title 13, U. S. C., 1952 ed., § 213, and section 1442 of title 42, U. S. C., 1952 ed., The Public Health and Welfare (June 18, 1929, ch. 28, § 13, 46 Stat. 25; July 15, 1949, ch. 338, title VI, § 607, 63 Stat. 441).

Section consolidates section 213 of title 13, U. S. C., 1952 ed., with that part of subsection (b) of section 1442 of title 42, U. S. C., 1952 ed., which made such section 213 applicable to the censuses of housing.

The enumeration in section 213 of title 13, U. S. C., 1952 ed., of the types of printing ("Blanks, schedules, circulars, pamphlets, envelopes, work sheets") was omitted as unnecessary and covered by the words "miscellaneous printing".

The provisions have been reworded to make it clear that they relate to all statistical and census operations under this title, and changes were made in phraseology.

For remainder of section 1442 of title 42, U. S. C., 1952 ed. (which section has been transferred in its entirety to this revised title), see Distribution Table.

§ 8. Certified copies of certain returns; other data; restriction on use; disposition of fees received.

(a) The Secretary may, upon a written request, and in his discretion, furnish to Governors of States and Territories, courts of record, and individuals, data for genealogical and other proper purposes, from the population, agriculture, and housing schedules prepared under the authority of subchapter II of chapter 5, upon the payment of the actual, or estimated cost of searching the records and \$1 for supplying a certificate.

(b) The Secretary may furnish transcripts or copies of tables and other census records and make special statistical compilations and surveys for State or local officials, private concerns, or individuals upon the payment of the actual, or estimated cost of such work. In the case of non-profit organizations or agencies the Secretary may engage in joint statistical projects, the cost of which shall be shared equitably as determined by the Secretary and provided that the purposes are otherwise authorized by law.

(c) In no case shall information furnished under the authority of this section be used to the detriment of the persons to whom such information relates.

(d) All moneys received in payment for work or services enumerated under this section shall be deposited in a separate account which may be used to pay directly the costs of such work or services, to repay appropriations which initially bore all or part of such costs, or to refund excess sums when necessary. (Aug. 31, 1954, ch. 1158, 68 Stat. 1013; Aug. 28, 1957, Pub. L. 85-207, § 4, 71 Stat. 481.)

HISTORICAL AND REVISION NOTES

Reviser's Note.—Based on title 13, U. S. C., 1952 ed., § 218, and section 1442 of title 42, U. S. C., 1952 ed., The Public Health and Welfare (June 18, 1929, ch. 28, § 18, 46 Stat. 25; July 15, 1949, ch. 338, title VI, § 607, 63 Stat. 441).

Section consolidates section 218 of title 13, U. S. C., 1952 ed., with that part of subsection (b) of section 1442 of title 42, U. S. C., 1952 ed., which made such section 218 applicable to the censuses of housing. For remain-

der of such section 1442 of title 42 (which has been transferred in its entirety to this revised title), see Distribution Table.

References to the Secretary, meaning the Secretary of Commerce, were substituted for references to the Director of the Census, to conform with 1950 Reorganization Plan No. 5, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3174, 64 Stat. 1263. See Revision Note to section 4 of this title. For the same reason, a reference in section 218 of title 13, U. S. C., 1952 ed., to the Bureau of the Census was changed, in subsection (c) of this revised section to "Department of Commerce or any bureau or agency thereof".

Changes were made in phraseology and arrangement.

AMENDMENTS

1957—Subsec. (b) amended by Pub. L. 85-207, § 4 (a), which added the sentence respecting engagement in joint statistical projects.

Subsec. (d) amended by Pub. L. 85-207, § 4 (b), to require the deposit in a separate account of moneys received in payment for work or services, previously credited to an appropriation for collecting statistics, and to permit certain uses of such account.

§ 9. Information as confidential; exception.

(a) Neither the Secretary, nor any other officer or employee of the Department of Commerce or bureau or agency thereof, may, except as provided in section 8 of this title—

(1) use the information furnished under the provisions of this title for any purpose other than the statistical purposes for which it is supplied; or

(2) make any publication whereby the data furnished by any particular establishment or individual under this title can be identified; or

(3) permit anyone other than the sworn officers and employees of the Department or bureau or agency thereof to examine the individual reports.

(b) The provisions of subsection (a) of this section relating to the confidential treatment of data for particular individuals and establishments, shall not apply to the censuses of governments provided for by subchapter III of chapter 5 of this title, nor to interim current data provided for by subchapter IV of chapter 5 of this title as to the subjects covered by censuses of governments, with respect to any information obtained therefor that is compiled from, or customarily provided in, public records. (Aug. 31, 1954, ch. 1158, 68 Stat. 1013.)

HISTORICAL AND REVISION NOTES

Reviser's Note.—Based on title 13, U. S. C., 1952 ed., §§ 73, 83, 122, 208, 211, 252, and section 1442 of title 42, U. S. C., 1952 ed., The Public Health and Welfare (Aug. 7, 1916, ch. 274, § 3, 39 Stat. 437; Apr. 2, 1924, ch. 80, § 3, 43 Stat. 31; June 18, 1929, ch. 23, §§ 8, 11, 21, 46 Stat. 23, 25, 26; July 25, 1947, ch. 331, 61 Stat. 457; June 19, 1948, ch. 502, § 2, 62 Stat. 479; July 15, 1949, ch. 338, title VI, § 607, 63 Stat. 441; Sept. 7, 1950, ch. 910, § 2, 64 Stat. 784).

Section consolidates parts of sections 73 and 83 of title 13, U. S. C., 1952 ed., part of section 208 of such title, section 211 of such title, that part of section 122 of such title which made such sections 203 and 211 applicable to the quinquennial censuses of manufacturers, the mineral industries, and other businesses (see subchapter I of chapter 5 of this revised title), that part of section 252 of such title which made such sections 208 and 211 applicable to the quinquennial censuses of governments (see subchapter III of chapter 5 of this revised title), the second proviso in such section 252, and that part of subsection (b) of section 1442 of title 42, U. S. C., 1952 ed., which made such sections 208 and 211 applicable to the decennial censuses of housing (see subchapter II of chapter 5 of this revised title).

Words "except as provided in section 8 of this title" were inserted in opening phrase of subsection (a) for the purpose of clarity.

References to the Secretary, the Department of Commerce and bureaus and agencies thereof, and to other officers and employees of such Department, bureaus or agencies, were substituted for references to the Director of the Census, the "Census Office", and the enumeration (in section 208 of title 13, U. S. C., 1952 ed.) of certain types of employees, for the purpose of completeness, and to conform with 1950 Reorganization Plan No. 5, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3174, 64 Stat. 1263. See Revision Note to section 4 of this title.

The penal provisions of sections 73, 83, and 208 of title 13, U. S. C., 1952 ed., prescribing penalties for wrongful disclosure of information, are set out in section 214 of this title.

Changes were made in phraseology.

For remainder of sections 122, 208, and 252 of title 13, U. S. C., 1952 ed., and of section 1442 of title 42, U. S. C., 1952 ed. (which section has been transferred in its entirety to this revised title), see Distribution Table.

CROSS REFERENCES

Punishment for wrongfully publishing or communicating information, see section 1905 of Title 18, Crimes and Criminal Procedure.

§ 10. Mail matter.

The Post Office Department shall transmit free of postage, and by registered mail if necessary, and so marked, all mail matter, of whatever class or weight, relating to any collection of statistics, survey, or census provided for by this title and addressed to the Department of Commerce or to any bureau or agency thereof authorized by the Secretary to make such collection or survey or to take such census, or addressed to any official thereof, and endorsed "Official business", followed by the name of such Department, bureau, or agency, as the case may be. (Aug. 31, 1954, ch. 1158, 68 Stat. 1014.)

HISTORICAL AND REVISION NOTES

Reviser's Note.—Based on section 337 of title 39, U. S. C. 1952 ed., The Postal Service (June 18, 1929, ch. 28, § 14, 46 Stat. 25; June 25, 1948, ch. 645, § 7, 62 Stat. 860).

Section comprises the provisions of section 337 of title 39, U. S. C., 1952 ed., which has been transferred to this revised title.

Section 337 of title 39, U. S. C., 1952 ed., referred only to "the census". This revised section refers to "any collection of statistics, survey, or census provided for by this title" for the purpose of completeness.

Words "Department of Commerce or to any bureau or agency thereof authorized by the Secretary to make such collection or survey or to take such census," were substituted for "Census Office", to conform with the preceding provisions extending the coverage to collections of statistics and surveys, and to conform with 1950 Reorganization Plan No. 5, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3174, 64 Stat. 1263, which transferred the functions of all officers, employees, bureaus, and agencies of the Department of Commerce to the Secretary of Commerce. See Revision Note to section 4 of this title.

Further, "'Official business', followed by the name of such Department, bureau, or agency, as the case may be" was substituted for "'Official business, Census Office,'" to conform with such 1950 Reorganization Plan No. 5.

CROSS REFERENCES

Reimbursement of Post Office Department by Government agencies of equivalent amount of postage or registry fees for matter sent without prepayment of postage or registry fees, see section 321p of Title 39, The Postal Service.

§ 11. Authorization of appropriations.

There is authorized to be appropriated, out of the Treasury of the United States, such sums as may be necessary to carry out all provisions of this title. (Aug. 31, 1954, ch. 1158, 68 Stat. 1014.)

HISTORICAL AND REVISION NOTES

Reviser's Note.—Section is new, and has been inserted to supply the customary authorization of appropriations necessary in carrying out any of the provisions of this title.

§ 12. Mechanical and electronic development.

The Secretary is authorized to have conducted mechanical and electronic development work as he determines is needed to further the functions and duties of carrying out the purposes of this title and may enter into such developmental contracts as he may determine to be in the best interest of the Government. (Added Pub. L. 85-207, § 5, Aug. 28, 1957, 71 Stat. 481.)

§ 13. Procurement of professional services.

The Secretary shall have authority to contract with educational and other research organizations for the preparation of monographs and other reports and materials of a similar nature. (Added Pub. L. 85-207, § 5, Aug. 28, 1957, 71 Stat. 481.)

SUBCHAPTER II—OFFICERS AND EMPLOYEES

§ 21. Director of the Census; duties.

The Bureau shall be headed by a Director of the Census, appointed by the President, by and with the advice and consent of the Senate. The Director shall perform such duties as may be imposed upon him by law, regulations, or orders of the Secretary. (Aug. 31, 1954, ch. 1158, 68 Stat. 1014.)

HISTORICAL AND REVISION NOTES

Reviser's Note.—Based on title 13, U. S. C., 1952 ed., § 2 (Mar. 6, 1902, ch. 139, § 3, 32 Stat. 51; June 18, 1929, ch. 28, § 21, 46 Stat. 26).

The provision of section 2 of title 13, U. S. C., 1952 ed., which imposed upon the Director the duty to superintend and direct the taking of censuses of the United States was omitted in view of 1950 Reorganization Plan No. 5, effective May 24, 1950, 15 F. R. 3174, 64 Stat. 1263, which transferred all functions of all officers, employees, bureaus, and agencies of the Department of Commerce to the Secretary of Commerce, and this title, as revised, vests such duty in the Secretary. However, under section 4 of this title, he may delegate his functions hereunder. "Bureau" was substituted for "permanent Census Office". See Revision Note to section 2 of this title.

At the end of this section, references to regulations, and to orders of the Secretary, were added after "law" in view of the changes effected by 1950 Reorganization Plan No. 5, referred to above.

Changes were made in phraseology.

§ 22. Qualifications of permanent personnel.

All permanent officers and employees of the Bureau shall be citizens of the United States, and shall be appointed and compensated under the Civil Service laws and the Classification Act of 1949, as amended or supplemented. (Aug. 31, 1954, ch. 1158, 68 Stat. 1014.)

HISTORICAL AND REVISION NOTES

Reviser's Note.—Base on title 13, U. S. C., 1952 ed., §§ 5, 6 (Mar. 6, 1902, ch. 139, §§ 5, 10, 32 Stat. 51, 53; June 18, 1929, ch. 28, § 21, 46 Stat. 26).

Section consolidates section 5 of title 13, U. S. C., 1952 ed., with section 6 of such title.

A reference to "officers" was inserted for completeness, and the word "permanent" was inserted before "officers and employees" for the purpose of clarity.

The provision in section 5 of title 13, U. S. C., 1952 ed., excepting unskilled laborers from the requirements for citizenship, was omitted as superseded and covered by the Classification Act of 1949 (5 U. S. C., 1952 ed., ch. 21).

The provision that appointments and compensation shall be subject to the Classification Act of 1949 is new but is in accordance with existing law. See chapter 21 of title 5, U. S. C., 1952 ed., Executive Departments and Government Officers and Employees.

The provision in section 5 of title 13, U. S. C., 1952 ed., giving preference in appointments to war veterans and their widows, was omitted as superseded and covered by the Veterans' Preference Act of 1944 (chapter 17 of Title 5, U. S. C., 1952 ed., Executive Departments and Government Officers and Employees).

Changes were made in phraseology.

REFERENCES IN TEXT

The Civil Service laws, referred to in the text, are classified generally to Title 5, Executive Departments and Government Officers and Employees.

The Classification Act of 1949, referred to in the text, is classified to chapter 21 of Title 5.

CROSS REFERENCES

Veterans, preference in employment, see chapter 17 of Title 5, Executive Departments and Government Officers and Employees.

§ 23. Additional officers and employees.

(a) The Secretary may appoint, without regard to the Classification Act of 1949, at rates of compensation to be fixed by him, as many temporary employees in the Departmental Service as may be necessary to meet the requirements of the work provided for in this title. Census employees who are transferred to any such temporary positions shall not lose their permanent Civil Service status by reason of the transfer. The Secretary shall make all such temporary appointments in conformity with the Civil Service laws and rules.

(b) In addition to employees of the Department of Commerce, employees of other departments and independent offices of the Government may, with the consent of the head of the respective department or office, be employed and compensated for field work in connection with the work provided for in this title. (Aug. 31, 1954, ch. 1158, 68 Stat. 1014.)

HISTORICAL AND REVISION NOTES

Reviser's Note.—Based on title 13, U. S. C., 1952 ed., §§ 203, 216, and section 1442 of title 42, U. S. C., 1952 ed., The Public Health and Welfare (June 18, 1929, ch. 28, §§ 3, 16, 46 Stat. 21, 25; July 6, 1949, ch. 298, §§ 1, 2, 63 Stat. 406; July 15, 1949, ch. 338, title VI, § 607, 63 Stat. 441; Oct. 28, 1949, ch. 782, title XI, § 1106 (a), 63 Stat. 972; July 16, 1952, ch. 912, 66 Stat. 736).

Section consolidates parts of sections 203 and 216 of title 13, U. S. C., 1952 ed., with that part of subsection (b) of section 1442 of title 42, U. S. C., 1952 ed., which made such sections 203 and 216 applicable to the censuses of housing.

Section 122 of title 13, U. S. C., 1952 ed., which related to quinquennial censuses of manufacturers, the mineral industries, transportation, and other businesses (see subchapter I of chapter 5 of this revised title), and section 252 of title 13, U. S. C., 1952 ed., which related to quinquennial censuses of governments (see subchapter III of chapter 5 of this title), made section 203 of such title applicable to those censuses. However, since the particular provisions of such section 203 that have been carried into this revised section apparently related, as supplemented by section 1442 (b) of title 42, U. S. C., 1952 ed., to the decennial censuses provided for in sections 201 et seq. of such title, and in such section 1442 of title 42 (see subchapter II of chapter 5 of this revised title), and apparently could have no relevancy to the quinquennial censuses referred to above, this revised section relates only to such decennial censuses.

In subsection (a), "Departmental Service" was substituted for "District of Columbia", since the Bureau of the Census now has its headquarters in Maryland, and not in the District of Columbia.

In this section, a reference to the Bureau of the Census was changed to a reference to the Department of Commerce, and references to the Director of the Census were changed in all but one case to references to the Secretary (of Commerce) to conform with 1950 Reorganization Plan No. 5, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3174, 64 Stat. 1263. See Revision Note to section 4 of this title. The provision of section 203 of title 13, U. S. C., 1952 ed., that appointments under the particular provisions thereof that have been carried into subsection (a) of this revised section should be made upon the recommendation of the Director of the Census, have been omitted from such subsection (a) for the same reason. Further, words "or to whatever other officer is designated by the Secretary to take the census provided for in sections 141 and 142 of this title" were inserted after "Director of the Census" in par. (1) of subsection (a), to conform with such 1950 Reorganization Plan.

The first paragraph of section 203 of title 13, U. S. C., 1952 ed., which provided for the employment of two assistant directors for each decennial census period, was omitted as obsolete and superseded, in view of section 122 of such title, which made such section 203 applicable to the quinquennial censuses of manufactures and other businesses, and to surveys (see subchapter IV of chapter 5 of this title), thus rendering such first paragraph ineffective and meaningless. See also section 121 (b) of title 13, U. S. C., 1952 ed.

The third proviso in the second paragraph of section 203 of title 13, U. S. C., 1952 ed., giving preference in appointments to disabled war veterans, their widows, and, under certain circumstances, to their wives, was omitted as superseded and covered by the Veterans' Preference Act of 1944 (chapter 17 of title 5, U. S. C., 1952 ed., Executive Departments and Government Officers and Employees).

Changes were made in phraseology and arrangement.

Remainder of section 203 of title 13, U. S. C., 1952 ed., is incorporated in this subchapter, and for remainder of section 216 thereof, and of section 1442 of title 42, U. S. C., 1952 ed. (which has been transferred in its entirety to this revised title), see Distribution Table.

REFERENCES IN TEXT

The Civil Service laws, referred to in the text, are classified generally to Title 5, Executive Departments and Government Officers and Employees.

The Classification Act of 1949, referred to in the text, is classified to chapter 21 of Title 5.

CROSS REFERENCES

Veterans, preference in employment, see chapter 17 of Title 5, Executive Departments and Government Officers and Employees.

§ 24. Special agents, supervisors, supervisors' clerks, enumerators, and interpreters; compensation; details.

(a) The Secretary may appoint special agents, supervisors, supervisors' clerks, enumerators, and interpreters on a temporary basis to carry out the provisions of this title. Such appointments shall be made without regard to the Civil Service laws or the Classification Act of 1949. The enlisted men and officers of the armed services may be appointed and compensated for the enumeration of personnel of the armed forces.

(b) The special agents, supervisors, supervisors' clerks, enumerators, and interpreters appointed under this section shall receive compensation at rates fixed by the Secretary; and the compensation on a piece-price basis may be fixed without limitation as to the amount earned per diem.

(c) The Secretary may authorize the expenditure of necessary sums for travel expenses for attendance at training courses held by the Department of Commerce with respect to any of the work provided for in this title. (Aug. 31, 1954, ch. 1158, 68 Stat. 1015.)

HISTORICAL AND REVISION NOTES

Reviser's Note.—Based on title 13, U. S. C., 1952 ed., §§ 111, 122, 203, 252, and section 1442 of title 42, U. S. C. 1952 ed., The Public Health and Welfare (Mar. 6, 1902, ch. 139, § 7, 32 Stat. 52; June 7, 1906, ch. 3048, 34 Stat. 218; June 18, 1929, ch. 28, § 3, 46 Stat. 21; 1939 Reorganization Plan No. II, § 4 (e), eff. July 1, 1939, 4 F. R. 2731, 53 Stat. 1431; 1940 Reorganization Plan No. III, § 3, eff. June 30, 1940, 5 F. R. 2107, 54 Stat. 1232; June 25, 1947, ch. 124, 61 Stat. 163; June 19, 1948, ch. 502, § 2, 62 Stat. 479; July 6, 1949, ch. 298, §§ 1, 2, 63 Stat. 406; July 15, 1949, ch. 338, title VI, § 607, 63 Stat. 441; Oct. 28, 1949, ch. 782, title XI, § 1106 (a), 63 Stat. 972; Sept. 7, 1950, ch. 910, §§ 2, 4, 64 Stat. 784, 785).

Section consolidates those provisions of sections 111, 122, 203 and 252 of title 13, U. S. C., 1952 ed., which related to appointment of special personnel for census work, collection of statistics, etc., and the use of permanent employees for such purpose, with that part of subsection (b) of section 1442 of title 42, U. S. C., 1952 ed., which made such section 203 applicable to housing censuses (subchapter II of chapter 5 of this title).

The provisions have been reworded to make it clear that they relate to all collections of statistics, censuses, etc., provided for in this title.

References to the Director of the Census have been changed to references to the Secretary (of Commerce) to conform with 1950 Reorganization Plan No. 5, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3174, 64 Stat. 1263. See Revision Note to section 4 of this title.

Words "except that such special agents shall be appointed in accordance with the civil service laws" were omitted as obsolete and unnecessary in view of the Classification Act of 1949 (see 5 U. S. C., 1952 ed., ch. 21).

The provisions of section 203 of title 13, U. S. C., 1952 ed., relating to per diem rates of compensation for special agents, to authority to detail permanent employees and special agents to act as supervisors or enumerators, and to duties thereof, were omitted as obsolete and superseded by the Classification Act of 1949.

The provision of section 203 of title 13, U. S. C., 1952 ed., that the Director of the Census might delegate to the supervisors the authority to appoint enumerators, was omitted because all functions of the Director and other officers and employees of the Department of Commerce and its bureaus and agencies were transferred to the Secretary by 1950 Reorganization Plan No. 5, referred to above. However, section 4 of this title provides for delegation of functions by the Secretary.

Words "on a temporary basis" were inserted after "appointed" in subsection (a) for the purpose of clarity. Changes were made in phraseology and arrangement.

Remainder of section 203 of title 13, U. S. C., 1952 ed., is incorporated in this subchapter, and for remainder of sections 111, 122 and 252 thereof, and of section 1442 of title 42, U. S. C., 1952 ed. (which has been transferred in its entirety to this revised title), see Distribution Table.

REFERENCES IN TEXT

The Civil Service laws, referred to in the text, are classified generally to Title 5, Executive Departments and Government Officers and Employees.

The Classification Act of 1949, referred to in the text, is classified to chapter 21 of Title 5.

CROSS REFERENCES

Veterans, preference in employment, see chapter 17 of Title 5, Executive Departments and Government Officers and Employees.

§ 25. Duties of supervisors, enumerators, and other employees.

(a) Each supervisor shall perform the duties imposed upon him by the Secretary in the enforcement of chapter 5 of this title in accordance with the Secretary's orders and instructions.

(b) Each enumerator or other employee detailed to serve as enumerator shall be charged with the collection in his subdivision of the facts and statistics called for on such schedules as the Secretary determines shall be used by him in connection with

any census or survey provided for by chapter 5 of this title.

(c) Each enumerator shall visit personally each dwelling house in his subdivision, and each family therein, and each individual living out of a family in any place of abode, and by inquiry made of the head of each family, or of the member thereof deemed most competent and trustworthy, or of such individual living out of a family, shall obtain every item of information and all particulars required for any census or survey provided for in chapter 5 of this title. In case no person is found at the usual place of abode of such family, or individual living out of a family, competent to answer the inquiries, the census employee may obtain the required information as nearly as may be practicable from the families or persons living nearest to such place of abode who may be competent to answer such inquiries. (Aug. 31, 1954, ch. 1158, 68 Stat. 1015.)

HISTORICAL AND REVISION NOTES

Reviser's Note.—Based on title 13, U. S. C., 1952 ed., §§ 122, 205, and section 1442 of title 42, U. S. C., 1952 ed., The Public Health and Welfare (June 18, 1929, ch. 28, § 5, 46 Stat. 22; June 19, 1948, ch. 502, § 2, 62 Stat. 479; July 15, 1949, ch. 338, title VI, § 607, 63 Stat. 441).

Section consolidates section 205 of title 13, U. S. C., 1952 ed., with that part of section 122 of such title which made such section 205 applicable to the surveys provided for by section 121 of such title (see subchapter IV of chapter 5), and with that part of subsection (b) of section 1442 of title 42, U. S. C., 1952 ed., which made such section 205 applicable to the censuses of housing.

References to the Secretary, meaning the Secretary of Commerce, were substituted for references to the Director of the Census, to conform with 1950 Reorganization Plan No. 5, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3174, 64 Stat. 1263. See Revision Note to section 4 of this title.

Changes were made in phraseology and arrangement.

§ 26. Transportation by contract.

The Secretary may contract with field employees for the rental and use within the continental limits of the United States of means of transportation, other than motorcycle, automobile, or airplane, and for the rental and use outside of the continental United States of any means of transportation, which means may be owned by the field employee. Such rental contracts shall be made without regard to section 4 of the Travel Expense Act of 1949, as amended (5 U. S. C. 837). The rentals shall be at rates equivalent to the prevailing rental rates of the locality. The rental contracts within the continental United States may be entered into only when the use by the field employee of such other means of transportation is safer, more economical, or more advantageous to the Government than use of his motorcycle, automobile, or airplane in conducting the census. (Added Pub. L. 85-207, § 6, Aug. 28, 1957, 71 Stat. 482.)

Chapter 3.—COLLECTION AND PUBLICATION OF STATISTICS

SUBCHAPTER I—COTTON

Sec.

41. Collection and publication.
42. Contents of reports; number of bales of lint; distribution; publication by Department of Agriculture.
43. Records and reports of cotton ginner.
44. Foreign cotton statistics.
45. Simultaneous publication of cotton reports.